



**THE STATES assembled on Wednesday
6th March 2013, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

All members were present at roll call with the exception of –

Senator Alan John Henry Maclean – absent on States business
Deputy James Gordon Reed of St. Ouen – excused attendance
Deputy John Alexander Nicholas Le Fondré of St Lawrence – en défaut (défaut raised at 9.36 a.m.)
Deputy Montfort Tadier of St. Brelade – en défaut (défaut raised at 9.42 a.m.)

Prayers

Police Station Relocation: review of decision (as amended) P.92/2012

THE STATES, having resumed consideration of a proposition of Deputy Judith Ann Martin of St. Helier entitled 'Police Station Relocation: review of decision (as amended)' (P.92/2012), rejected the proposition to request the Ministers for Treasury and Resources and Home Affairs not to proceed with proposals for the development of a new police headquarters in Green Street car park, St. Helier; to request the Minister for Planning and Environment subject to the results of the consultation process, to take the necessary steps to bring forward for approval a revision to the Island Plan 2011, to provide that the open area of car parking between Route du Fort, Green Street cemetery, the car park and Lime Grove, be safeguarded for the future redevelopment and/or expansion of car parking; and to review the various master plans for which he had responsibility and to identify a larger and more suitable site for the development of a new police headquarters.

Members present voted as follows –

POUR: 19

Senator A. Breckon
Senator S.C. Ferguson
Connétable of Grouville
Connétable of St. John
Connétable of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A.N. Le Fondré (L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)

CONTRE: 29

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Saviour
Deputy J.A. Hilton (H)

ABSTAIN: 1

Deputy R.C. Duhamel (S)

Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)

Deputy of Trinity
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy A.K.F. Green (H)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)

Committee of Inquiry: Historical Child Abuse P.118/2012

THE STATES commenced consideration of a proposition of the Council of Ministers, as amended, regarding the establishment of a Committee of Inquiry into historical child abuse.

THE STATES, adopting an amendment of Deputy Montfort Tadier of St. Brelade, agreed that after the words “(as set out in Appendix 1 to the Report on the amendment of the Council of Ministers dated 5th February 2013)” there should be inserted the words –

“except that in the Terms of Reference, in paragraph 13, for the words from “shall be examined by an independent expert” through to “all the circumstances” there should be substituted the words “may be examined in a manner to be determined by the Committee”.

Members present voted as follows –

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator A. Breckon
Senator S.C. Ferguson
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Connétable of Trinity
Connétable of Grouville
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity

Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter

THE STATES, having resumed consideration of the proposition of the Council of Ministers, as amended, adopted the proposition and –

- (a) agreed that a Committee of Inquiry should be established in accordance with Standing Order 146 to enquire into a definite matter of public importance, namely historical child abuse in Jersey; and that the Committee should be comprised of a senior legally qualified Chairman of significant standing from outside Jersey and 2 other members from outside the Island with suitable skills and experience;
- (b) approved the Terms of Reference for the Committee of Inquiry as set out in Appendix 1 to the Report on the amendment of the Council of Ministers dated 5th February 2013;
- (c) agreed that the Chairman should be selected by a Panel comprising the Greffier of the States and 2 independent persons from the United Kingdom, with the selection process being overseen by the Jersey Appointments Commission;
- (d) agreed that the 2 members of the Committee should be selected by a Panel comprising the proposed Chairman, the Greffier of the States and 2 independent persons from the United Kingdom, with the selection process being overseen by the Jersey Appointments Commission;
- (e) agreed that the proposed Chairman should be requested to recommend any final changes to the Terms of Reference for the Committee of Inquiry referred to in paragraph (b) above for approval by the Assembly, and also to set out the proposed process for conducting the Inquiry having consulted with interested parties where necessary;
- (f) requested the Chief Minister to bring forward to the States the necessary proposition relating to the appointment of the Chairman and members and, if necessary, to the approval by the States of the final Terms of Reference if changes have been recommended by the proposed Chairman;
- (g) agreed that the Committee of Inquiry should be requested to complete its work within 12 months of commencing the Inquiry.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator A. Breckon
Senator S.C. Ferguson
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter

As an aide memoire, Appendix 1 to the Report of the Council of Ministers dated 5th November 2012, as amended, which outlines the Terms of Reference, is reproduced immediately after this set of minutes.

Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 201- P.2/2013

THE STATES commenced consideration of the Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 39

CONTRE: 2

ABSTAIN: 0

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

Deputy R.G. Le Hérisssier (S)
 Deputy G.C.L. Baudains (C)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 6.

THE STATES, in pursuance of Articles 2 and 44 of the Control of Housing and Work (Jersey) Law 2012, made Regulations entitled the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013.

Draft Control of Housing and Work (Transitional and Consequential Provisions) (Jersey) Regulations 201- P.3/2013

THE STATES commenced consideration of the Draft Control of Housing and Work (Transitional and Consequential Provisions) (Jersey) Regulations 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 3 and Schedules 1 and 2.

THE STATES, in pursuance of Articles 44 and 52 of the Control of Housing and Work (Jersey) Law 2012, made Regulations entitled the Control of Housing and Work (Transitional and Consequential Provisions) (Jersey) Regulations 2013.

Draft Financial Regulation (Disclosure of Information) (Amendments) (Jersey) Regulations 201-P.7/2013

THE STATES commenced consideration of the Draft Financial Regulation (Disclosure of Information) (Amendments) (Jersey) Regulations 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 23.

THE STATES, in pursuance of Articles 1(2), 20 and 30A of the Collective Investment Funds (Jersey) Law 1988, Articles 5, 45A and 51 of the Banking Business (Jersey) Law 1991, Articles 2, 32A and 41 of the Insurance Business (Jersey) Law 1996 and Articles 4(2), 38(3) and 42 of the Financial Services (Jersey) Law 1998, made Regulations entitled the Financial Regulation (Disclosure of Information) (Amendments) (Jersey) Regulations 2013.

Rate Appeal Board: appointment of members P.9/2013

THE STATES, adopting a proposition of the Minister for Treasury and Resources and, in pursuance of Article 44 of the Rates (Jersey) Law 2005, appointed Mr. Ian Ridgway, Mr. Graeme Marett, Mr. Peter Hanning and Mr. Peter Routier; and re-appointed Mr. Thomas Slattery, Mr. Timothy George Cartwright and Mr. Jethro Adams as members of the Rate Appeal Board, for the period ending 31st December 2015.

Members present voted as follows –

POUR: 40

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator A. Breckon
Senator S.C. Ferguson
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Connétable of St. Helier

Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

HSBC Middle East (HBME): investigation.

P.10/2013.

Lodged: 29th January 2013.

Deputy G.P. Southern of St. Helier.

Jersey Police Complaints Authority: appointment of members P.11/2013

THE STATES, adopting a proposition of the Minister for Home Affairs, in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, appointed the following as members of the Jersey Police Complaints Authority for a period of 3 years –

Mr. Howard Cooper
 Mr. Graeme Marett
 Mrs. Diana Taylor-Cox.

Bailiff's ruling – content of reports accompanying propositions relating to appointments

The Bailiff ruled that the reports accompanying propositions for the appointment of any person to any tribunal or to any public body or office should include, in the first paragraph, an outline of the remit and responsibility of the said tribunal, public body or office.

Jersey Overseas Aid Commission: appointment of non-States Commissioner P.14/2013

THE STATES, adopting a proposition of Senator Paul Francis Routier, appointed, in accordance with paragraph 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005, Mr. Peter Le Seilleur as a non-States Commissioner for a further period of 3 years.

Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

19th March 2013

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Green Initiative Fund: establishment.
Lodged: 31st January 2013.
<i>Deputy G.P. Southern of St. Helier.</i> | P.12/2013. |
| Minimum Wage: revised hourly rate from 1st April 2013.
Lodged: 11th February 2013.
<i>Deputy G.P. Southern of St. Helier.</i> | P.25/2013. |
| Draft Employment (Minimum Wage) (Amendment No. 9) (Jersey) Regulations 201-
Lodged: 31st January 2013.
<i>Minister for Social Security.</i> | P.13/2013. |
| Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201-
Lodged: 5th February 2013.
<i>Minister for Social Security.</i> | P.15/2013. |
| Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201-
(P.15/2013) – amendment.
Lodged: 5th March 2013.
<i>Deputy G.P. Southern of St. Helier.</i> | P.15/2013.
Amd. |
| Beach House, Green Island, St. Clement: grant of a right to access through the sea wall.
Lodged: 6th February 2013.
<i>Minister for Treasury and Resources.</i> | P.16/2013. |
| Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey)
Regulations 201-
Lodged: 6th February 2013.
<i>Minister for Health and Social Services.</i> | P.17/2013. |

- Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201-. P.18/2013.
Lodged: 7th February 2013.
Minister for Health and Social Services.
- Draft Residential Tenancy (Jersey) Law 2011 (Appointed Day) Act 201. P.19/2013.
Lodged: 8th February 2013.
Minister for Housing.
- Draft Amendment (No. 20) of the Standing Orders of the States of Jersey. P.29/2013.
Lodged: 15th February 2013.
Privileges and Procedures Committee.
- Draft Companies (Amendment No. 7) (Jersey) Regulations 201-. P.20/2013.
Lodged: 8th February 2013.
Minister for Economic Development.
- Channel Islands Lottery: allocation of profits for 2012. P.21/2013.
Lodged: 8th February 2013.
Minister for Economic Development.
- Ratification of the Agreement for the Exchange of Information relating to Tax Matters P.22/2013.
between the Government of Jersey and the Government of Brazil.
Lodged: 11th February 2013.
Chief Minister.
- Ratification of the Agreement for the Exchange of Information relating to Tax Matters P.23/2013.
between the Government of Jersey and the Government of Latvia.
Lodged: 11th February 2013.
Chief Minister.
- Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 6) P.24/2013.
(Jersey) Regulations 201-.
Lodged: 11th February 2013.
Chief Minister.
- Independent Planning Appeals Tribunal: establishment. P.26/2013.
Lodged: 12th February 2013.
Deputy J.H. Young of St. Brelade.
- Liberty Bus: reinstatement of Route 18 to Le Squez and Le Marais. P.28/2013.
Lodged: 13th February 2013.
Deputy G.C.L. Baudains of St. Clement.

16th April 2013

- Jersey Innovation Fund: establishment, funding and operation. P.124/2012.
Lodged: 20th November 2012.
Minister for Treasury and Resources.
- Starter Home Deposit Loan Scheme. P.131/2012.
Lodged: 4th December 2012.
Minister for Treasury and Resources.

Island Plan 2011: wind-farms. P.27/2013.
Lodged: 12th February 2013.
Deputy G.C.L. Baudains of St. Clement.

Draft Taxation (Implementation) (Amendment) (Jersey) Law 201-. P.30/2013.
Lodged: 22nd February 2013.
Chief Minister.

Committee of Inquiry: costs for local businesses. P.31/2013.
Lodged: 25th February 2013.
Senator A. Breckon.

Jersey Competition Regulatory Authority: re-appointment of Chairman. P.32/2013.
Lodged: 28th February 2013.
Minister for Economic Development.

Draft States of Jersey (Amendment No. 6) Law 201-. P.34/2013.
Lodged: 5th March 2013.
Chief Minister.

Draft Register of Names and Addresses (Register Entries) (Jersey) Regulations 201-. P.35/2013.
Lodged: 5th March 2013.
Chief Minister.

30th April 2013

The Reform of Social Housing. P.33/2013.
Lodged: 4th March 2013.
Council of Ministers.

14th May 2013

Code of Conduct for Elected Members: Commissioner for Standards. P.4/2013.
Lodged: 14th January 2013.
Privileges and Procedures Committee.

Draft Discrimination (Jersey) Law 201-. P.6/2013.
Lodged: 15th January 2013.
Minister for Social Security.

THE STATES rose at 5.38 p.m.

M.N. DE LA HAYE

Greffier of the States

APPENDIX**Committee of Inquiry: Historical child abuse (P.118/2012)****Terms of Reference, as amended.**

The Committee of Inquiry (“the Committee”) is asked to do the following –

1. Establish the type and nature of children’s homes and fostering services in Jersey in the period under review, that is the post-war period, with a particular focus on the period after 1960. Consider (in general terms) why children were placed and maintained in these services.
2. Determine the organisation (including recruitment and supervision of staff), management, governance and culture of children’s homes and any other establishments caring for children, run by the States and in other non-States run establishments providing for children, where abuse has been alleged, in the period under review and consider whether these aspects of these establishments were adequate.
3. Examine the political and other oversight of children’s homes and fostering services and other establishments run by the States with a particular focus on oversight by the various Education Committees between 1960 and 1995, by the various Health and Social Services Committees between 1996 and 2005, and by ministerial government from 2006 to the current day.
4. Examine the political and societal environment during the period under review and its effect on the oversight of children’s homes, fostering services and other establishments run by the States, on the reporting or non-reporting of abuse within or outside such organisations, on the response to those reports of abuse by all agencies and by the public, on the eventual police and any other investigations, and on the eventual outcomes.
5. Establish a chronology of significant changes in childcare practice and policy during the period under review, with reference to Jersey and the U.K. in order to identify the social and professional norms under which the services in Jersey operated throughout the period under review.
6. Take into account the independent investigations and reports conducted in response to the concerns raised in 2007, and any relevant information that has come to light during the development and progression of the Redress Scheme.
7. Consider the experiences of those witnesses who suffered abuse or believe that they suffered abuse, and hear from staff who worked in these services, together with any other relevant witnesses. It will be for the Committee to determine, by balancing the interests of justice and the public interest against the presumption of openness, whether, and to what extent, all or any of the evidence given to it should be given in private. The Committee, in accordance with Standing Order 147(2), will have the power to conduct hearings in private if the Chairman and members consider this to be appropriate.
8. Identify how and by what means concerns about abuse were raised and how, and to whom, they were reported. Establish whether systems existed to allow children and others to raise concerns and safeguard their wellbeing, whether these systems were adequate, and any failings they had.

9. Review the actions of the agencies of the government, the justice system and politicians during the period under review, in particular when concerns came to light about child abuse and establish what, if any, lessons are to be learned.
10. Consider how the Education and Health and Social Services Departments dealt with concerns about alleged abuse, what action they took, whether these actions were in line with the policies and procedures of the day, and whether those policies and procedures were adequate.
11. Establish whether, where abuse was suspected, it was reported to the appropriate bodies, including the States of Jersey Police; what action was taken by persons or entities including the police, and whether this was in line with policies and procedures of the day and whether those policies and procedures were adequate.
12. Determine whether the concerns in 2007 were sufficient to justify the States of Jersey Police setting in train 'Operation Rectangle'.
13. Establish the process by which files were submitted by the States of Jersey Police to the prosecuting authorities for consideration, and establish –
 - Whether those responsible for deciding on which cases to prosecute took a professional approach;
 - Whether the process was free from political or other interference at any level.

If, for these purposes, or as a result of evidence given under paragraph 7, in the opinion of the Chairman of the Committee, it would be of assistance that one or more of the prosecution files underpinning any prosecution decision may be examined in a manner to be determined by the Committee.
14. Set out what lessons can be learned for the current system of residential and foster care services in Jersey and for third party providers of services for children and young people in the Island.
15. Report on any other issues arising during the Inquiry considered to be relevant to the past safety of children in residential or foster care and other establishments run by the States, and whether these issues affect the safety of children in the future.